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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,762	09/01/2006	Timo Tokkonen	KOL.221.WUS	7880
76385 7590 03/10/2009 Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425				
EXAMINER				
DAGLAWI, AMAR A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,762

Applicant(s)

TOKKONEN ET AL.

Examiner

AMAR DAGLAWI

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/20/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.6-11, 13-21, 23, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.6-11, 13-21, 23, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/20/2008.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1, 6-11, 13-21, 22-23, 26 and 27 are pending in this application. Claims 2-5, 12, 22, and 24-25 are cancelled. The amendment has been entered.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 6-11, 13-21, 22-23, 26-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 6-11, 13-21, 22-23, 26-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US 2005/0175973 A1) in view of Back et al (US 6,655,586 B1).

6. With respect to claim 1, Miller teaches an arrangement includes comprising: an electronic device and a user manual associated with the electronic device, including a plurality of data elements radio frequency tags attached on the pages of the user manual such that each radio frequency tag is readable without interference from other radio frequency tags in the user manual, each element radio frequency tag including software instructions relating to an operation described in the manual and associated with said radio frequency tag, the electronic device includes a reader for reading (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

However, Miller fails to teach a plurality of radio frequency tags, and being operable, in response to machine reading at least one of the plurality of radio frequency tags attached in the user manual, to execute the software instructions read from said at least one radio frequency tag to perform a device operation that is described in the user manual in connection with said at least one radio frequency tag which is taught in analogous art by Back (abstract, Fig.1, Fig.2, col.1, lines 25-65, col.2, lines 30-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the text book in fig.2 as taught by Miller with the plurality of RF tags as taught by Back so as to execute the software enabling the electronic media stored to be displayed on the computing device.

7. With respect to claim 6, Miller in view Back further teaches the device operation is performed automatically (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

8. With respect to claim 7, Miller in view of Back further teaches the device operation is performed in a tutorial way (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

9. With respect to claim 8, Miller in view of Back further teaches the tutorial proceeds in a step-by-step manner and the device operation proceeds to a next step when a predefined or user-adjustable time has elapsed (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

10. With respect to claim 9, Miller in view of Back further teaches when performing the device operation in the tutorial way the operation proceeds in a step by step manner by taking proceed indications from a user of the device (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

11. With respect to claim 10, Miller in view of Back further teaches wherein read software instructions are added to an existing software code in the device or replace an existing software code portion in the device (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

12. With respect to claim 11, Miller in view of Back further teaches usage of the read software instructions is limited to a predefined number of usage times or to a 'predefined time (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

13. With respect to claim 13, Miller in view of Back further teaches the radio frequency tags include information for starting an application at the electronic device (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

With respect to claim 14, Miller in view of Back further teaches the electronic device is a mobile phone (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

14. With respect to claim 15, Miller teaches an electronic device, comprising: reader for reading element any of a plurality of radio frequency tags from a user manual associated with the electronic device, the user manual including the plurality of data elements radio frequency tags on the pages of the user manual positioned such that they are machine readable without interfering with each other, each including radio frequency tag storing software instructions, device relating to a device operation described in the user manual and associated with said radio frequency tag, wherein the electronic device further includes a controller operable in response to machine reading (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

However, Miller fails to teach a plurality of radio frequency tags attached in the user manual to execute software instructions read from said at least one radio frequency tag to perform a device operation that is described in the user manual in connection with said at least one radio frequency tag which is taught in analogous art by Back (abstract, Fig.1, Fig.2, col.1, lines 25-65, col.2, lines 30-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the text book in fig.2 as taught by Miller with the plurality of RF tags as taught by Back so as to execute the software enabling the electronic media stored to be displayed on the computing device.

15. With respect to claim 16, Miller in view of Back further teaches the controller is arranged to start an application in the device (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

16. With respect to claim 17, Miller in view of Back further teaches the controller is arranged to illustrate performing of an operational setting in a step by step manner step transitions being triggered by expiry of a timer or by pressing of a key of the device (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

With respect to claim 18, Miller in view of Back further teaches the reading means reader is arranged to read a software code portion from the radio frequency tag and the controlling means controller is arranged to add the software code portion to an existing code base in the device (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

With respect to claim 19, Miller in view of Back further teaches the means reader is arranged to read a software code portion from element a radio frequency tag and the means controller is arranged to replace an existing software code portion in the device with the read software code portion (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

With respect to claim 20, Miller in view of Back further teaches the reading means reader is arranged to read a media content from radio frequency tag and the means controller is arranged to add the media content to a media base of the device. (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

With respect to claim 21, Miller teaches A user manual and pages of the user manual such that each radio frequency tag is readable without interference (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]) but fails to teach the user manual comprising a plurality of radio frequency tags each storing a software instructions relating to a device operation described in the user manual which is taught in analogous art by Back (abstract, Fig.1, Fig.2, col.1, lines 25-65, col.2, lines 30-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the text book in fig.2 as taught by Miller with the plurality of RF tags as taught by Back so as to execute the software enabling the electronic media stored to be displayed on the computing device.

With respect to claim 23, Miller teaches A method comprising: reading, by using an electronic device, at least one element radio frequency tag from a user manual including a plurality of data elements radio frequency tags attached on the pages of the user manual such that each radio frequency tag is readable without interference from other radio frequency tags in the user manual (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]). Performing in the electronic device on the basis of the software instructions read from at least one radio frequency tag a device operation

that is described in the user manual in connection with said at least one radio frequency tag (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

However, Miller fails to teach a plurality of radio frequency tags, and at least one of the plurality of radio frequency tags attached in the user manual, each radio frequency tags attached on pages of the user manual, each radio frequency tag storing software instructions read from said at least one radio frequency tag to perform a device operation that is described in the user manual in connection with said at least one radio frequency tag which is taught in analogous art by Back (abstract, Fig.1, Fig.2, col.1, lines 25-65, col.2, lines 30-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the text book in fig.2 as taught by Miller with the plurality of RF tags as taught by Back so as to execute the software enabling the electronic media stored to be displayed on the computing device.

With respect to claim 26, Miller in view of Back further teaches the radio frequency tags are positioned on different ends of neighboring pages of the user manual (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

With respect to claim 27, Miller in view of Back further teaches the radio frequency tags have a reading distance such that they are readable only by touching the radio frequency tag with the reader of the electronic device (Fig.1, Fig.2, abstract, par [0006-0017], par [0021-0026]).

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AMAR DAGLAWI** whose telephone number is (571)270-1221. The examiner can normally be reached on **Monday- Friday (7:30 AM- 5:00 AM)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **NGUYEN DUC** can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amar Daglawi
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